

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Eric Wong,

Plaintiff,

Case No. 14-CV-3334-RHK-TNL

v.

ANSWER OF MUDDY PIG, INC TO
PLAINTIFF'S COMPLAINT

Muddy Pig, Inc., St. Paul
Development Corporation,

Defendants.

Defendant Muddy Pig, Inc., as and for its Answer to plaintiff's Complaint states and alleges as follows:

1. This answering defendant denies each and every allegation contained in plaintiff's Complaint unless admitted, explained or otherwise qualified herein.

2. This answering defendant is without sufficient information or belief to either admit or deny the allegations in paragraphs 1, 7, 8, 11, 12, 15, 32, 33, 41 and 50 of plaintiff's Complaint and therefore denies the same.

3. This answering defendant denies the allegations in paragraphs 2, 3, 13, 27, 28, 29, 30, 34, 38, 39, 40, 43, 47, 48, 49 and 52 of plaintiff's Complaint.

4. Paragraphs 4, 5, 6, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 35, 36, 37, 42, 44, 45, 46 and 51 of plaintiff's Complaint contain no allegations to which responsive pleading is required. To the extent responsive pleading is required denies the same.

5. With respect to the allegations in paragraph 9 of plaintiff's Complaint admits that Muddy Pig, Inc. is a bar/restaurant located at 162 Dale Street North,

Minneapolis, Minnesota. The remainder of paragraph 9 of plaintiff's Complaint contains no allegations to which responsive is required.

6. Paragraph 10 of plaintiff's Complaint is not directed to this answering defendant and therefore denies the same.

7. With respect to the allegations in paragraph 14 of plaintiff's Complaint admits that only that defendant Muddy Pig, Inc. is open to the public. Denies the remaining allegations in paragraph 14.

8. Denies the first sentence of paragraph 31 of plaintiff's Complaint. The remainder of paragraph 31 contains no allegations to which responsive pleading is required and therefore denies the same.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

9. Plaintiff's Complaint states to fail a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

10. On information and belief plaintiff lacks standing to pursue his claims.

THIRD AFFIRMATIVE DEFENSE

11. The allegations with respect to this answering defendant's ability to remedy the alleged violations of the Americans with Disability Act are not readily achievable.

FOURTH AFFIRMATIVE DEFENSE

12. The modifications to the property requested by plaintiff would fundamentally alter the nature the property.

FIFTH AFFIRMATIVE DEFENSE

13. The requested modifications to the property would impose an undue burden on this defendant.

SIXTH AFFIRMATIVE DEFENSE

14. The property is in compliance and thus this action is moot and the Court lacks subject matter jurisdiction.

SEVENTH AFFIRMATIVE DEFENSE

15. The modifications of the property sought by plaintiff is not technically feasible.

BERNICK LIFSON, P.A.

Dated: October 7, 2014

By /s/ Jack E. Pierce
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